

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MARY DAWES, et al., §  
§  
*Plaintiffs,* §  
§  
v. § Civil Action No. 3:17-CV-1424-X-BK  
§  
CITY OF DALLAS, et al., §  
§  
*Defendants.* §

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE**

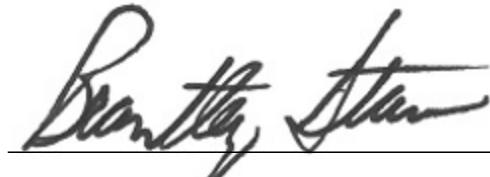
Before the Court is the City of Dallas's Motion to Dismiss. [Doc. No. 95]. The United States Magistrate Judge delivered her Findings, Conclusions, and Recommendation on this motion. [Doc. No. 117]. The City did not file objections, so the Court reviews the Magistrate Judge's findings for clear error and conclusions to determine whether they are contrary to law.<sup>1</sup> And the Court hereby **ACCEPTS** the Magistrate Judge's findings, conclusions and recommendation and **DENIES** the City's motion to dismiss.<sup>2</sup>

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<sup>1</sup> See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

<sup>2</sup> The Court does not abandon its prior opinion in this matter by means of this order. See Doc. No. 87. To succeed on a *Monell* claim by showing a pattern evincing a municipal policy, the plaintiffs must still show at least twenty-seven similar instances of police misconduct in three years. *Peterson v. City of Fort Worth*, 588 F.3d 838, 852 (5th Cir. 2009) (finding twenty-seven instances of alleged excessive force in a three-year period insufficient to establish *Monell* liability at the summary-judgment phase). The Magistrate Judge states that *Peterson* applies "in the context of a motion for summary judgment," and the Court acknowledges that—whether or not it may apply at the motion to dismiss phase—it certainly applies at the summary judgment phase. Doc. No. 117 at 5.

**IT IS SO ORDERED** this 30th day of March, 2021.

A handwritten signature in black ink, appearing to read "Brantley Starr". The signature is fluid and cursive, with "Brantley" on top and "Starr" on the bottom right.

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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE